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ABSTRACT

Court systems across the United States have become vital supporters of law-related education (LRE) in elementary and secondary schools. Judges and other court personnel have the substantive legal and procedural knowledge that students need in order to develop positive attitudes toward the law and the Constitution and understanding of the U.S. judicial system. Court officials can also help teachers identify other community resources on behalf of LRE programs. This handbook offers suggestions for developing and implementing partnerships between the courts and the schools. A narrative account is given of one judge's visit to a sixth grade class and of the impact that visit had on the class. Suggestions are provided for involving various court personnel in a middle school LRE program using role playing by the class members and culminating with an actual court visit. An account is given of teaching high school students about U.S. courts by using the statement of Oliver Wendell Holmes, Jr.: "A Constitution is made for people of fundamentally differing views." Lesson plans are also included for teaching secondary students about appellate courts using court personnel as resource people. (JB)

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The Courts and the Schools

BY JULIE VAN CAMP, BARBARA FIRESTONE, MARJORIE MONTGOMERY, PATRICK COLLINS AND ROD HANSON

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This is the eleventh of a series of handbooks on bar/school partnerships produced by the American Bar Association's Special Committee on Youth Education for Citizenship, 750 N. Lake Shore Drive, Chicago, IL 60611, 312/988-5725.

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Maintaining our democracy is not an easy task, for each succeeding generation must commit itself to the ideals and institutions that comprise our democratic foundations. Our democracy is a living, constantly evolving set of principles that must be nurtured and guarded by all its citizens, not simply by a select few.

Law-related education helps to develop young citizens who can sustain and build our republic by making a reasoned and informed commitment to democracy. As noted in *Toward Safer and Better Schools*, a publication of the National School Boards Association, law-related education "had demonstrated promise in preventing delinquency by fostering social responsibility, personal commitment for the public good, and effective participation [among our nation's youth]."

The Role of Courts

Court systems across the country have become vital supporters of law-related education in our elementary and secondary schools. Today, judges and other court personnel are actively working with students, teachers, school administrators, attorneys, and members of law-related organizations to increase knowledge and to build positive attitudes and awareness of the law and the judicial system among our school children. Even the celebrations marking our Constitution's bicentennial have helped to focus national attention on the benefits of law-related education and to catalyze judicial involvement in local and state LRE programs.

Courts have become involved in law-related education programs for a variety of reasons. Many judges believe that LRE is a valuable—even essential—means of correcting public misconceptions about the third branch of government and the constitutional guarantees associated with the court system. In many cases, court personnel have successfully used LRE concepts and methods to communicate accurate information on the roles, the structure, and the functions of the judiciary.

Research has verified that a major factor determining the success of law-related education programs is the involvement of judges, probation officers, police officers, and lawyers. Law-related education research has reinforced the need for courts to be actively involved in these programs by developing, improving, or expanding court-sponsored LRE activities at the local and state levels. One reason for this is the fact that judges and other court personnel are trained and experienced in the functions of the courts. They have the substantive legal and procedural knowledge that students need in order to develop positive attitudes toward the law and the Constitution and understanding of the American judicial system.

Court officials can also help teachers to identify other valuable community resources on behalf of law-related education programs. By virtue of their central role in the jus-

tice system, judges and other law professionals maintain close contact with police and correctional departments, business and municipal leaders, and government officials. The courts' influence and prestige can do much to win the support of these other community resources when initiating or expanding law-related education programs in the schools.

Five Stages of Involvement

Court involvement in LRE varies according to the experience, enthusiasm, and available resources of the individual court and its personnel. In general, however, there are five stages, or levels, of court-school participation: *awareness*, *commitment*, *adoption*, *implementation*, and *institutionalization*.

The awareness level—the initial state of a court-school partnership—is manifested by programs designed to inform court personnel about the purposes and benefits of LRE. Awareness must be achieved, both by the courts *and* the schools, before an effective court-sponsored program of law-related education can be undertaken.

When judges and other court personnel publicly endorse and promote law-related education and explicitly lend the weight of their official influence to proposals favoring LRE in the schools, they have reached the stage of participation characterized by *commitment*. The third level of court-school participation is evidenced by the *adoption* of specific LRE programs or activities that directly involve court personnel and court resources. Adoption incorporates classroom programs formulated by court personnel and can be stimulating and exciting for law professionals.

Sometimes, reaching stage four—*implementation*—can be difficult, because the steps involved can be tedious and lengthy. Once courts have successfully implemented specific LRE programs or activities, however, they can then move on to the final stage. *Institutionalization*—the highest and most productive level of the court-school partnership—represents the integration of LRE programs or activities into the regular administrative program of the court on a consistent and ongoing basis.

Linking Court and Community

Regardless of the level of LRE involvement of a state or local court, a key factor to the successful partnership of court and school is the appointment of a court LRE coordinator. This person serves as a link between the court and the community, coordinating the distribution of the court's educational resources and communicating information about its law-related program opportunities to students, teachers, and school administrators.

Staff members of courts that are active in law-related education have developed programs for teachers, students, and other court resource personnel. These programs have included court-sponsored training conferences, workshops, and LRE content and methods courses for judges, clerks, and other court personnel, and for students, teachers, and members of community organizations. Courts have also published general educational resources, printed curriculum materials, and produced audio-visual resources. These various educational tools, designed to communicate accurate information on the court system, have been effectively described, demonstrated, and distributed during educational seminars, workshops, and courses.

Court-related educational resources reinforce elementary and secondary classroom curricula and courthouse activities. Court activities utilizing these educational materials may include mock trial demonstrations and competitions, court visitation programs, Law Day and Law Week celebrations, Student Government Day, Boys State and Girls State programs, speakers' bureaus, bicentennial activities, and numerous other functions and organizations.

Taking part in law-related education programs offered by area schools is a straightforward way of making the law come alive—and of helping students to become better citizens. These programs are designed to teach youth the practical aspects of the law and the judicial system, as well as the values of our democratic form of government. Most of these programs utilize both the classroom and the community through trips to courts, police stations, and government agencies.

What Judges Can Do

One of the best ways to describe what LRE is like in practice is to give some examples of what judges around the country are doing to make the law real and meaningful to students. Judges are finding that they can help youngsters to see the positive aspects of law by talking with them face-to-face. The most popular setting for a judge-student dialogue is the courthouse, where students have the opportunity both to talk to judges and to observe criminal and civil trials in action. Judges have recognized that proper classroom orientations prior to court visits, relevant discussions during court recesses, and classroom follow-up sessions enable students to learn how the legal system functions and to develop a new respect for the law and for legal processes.

When students come to court, judges can involve them in "shadow" jury activities. This can be especially worthwhile in district and community courts, where many trials are bench trials and thus move quickly, and where students can sit as jurors, deliberate their case in a conference room, and discuss their findings during a recess with the judge who heard the case. Judges have found that in these situations, students not only develop listening, critical-thinking, and decision-making skills, but also learn about the elements of a crime and the nature of evidence. As one judge has noted, "Students I have worked with have learned how difficult it is to make judgment calls on a daily basis. It isn't as easy or as obvious as it appears sometimes on television. I also enjoy hearing the students' points of view. Learning

is a two-way street, and meeting with the younger generation brings me in contact with an age group in society that before my involvement with law-related education I had only met on official business in juvenile court."

Judges also find that mock appellate hearings can be educational and enjoyable—for the judges themselves, as well as for the student participants. Local attorneys can help students to prepare briefs and can provide them with trial reports. The students, however, will conduct the actual arguments before a panel of three to five judges at the local community court or at the state appeals court. One judge commented, "These students, by experience, have developed a positive attitude toward the court system."

The Teacher's Role

It is essential that judges and other court personnel work closely with teachers. Law professionals generally have neither the time nor the training to carry the full instructional burden of a court-sponsored LRE project. Rather, they can be most useful as experts or resource people, helping teachers to create LRE programs and to develop curriculum, and serving as invaluable resources for the students, as well. Probably very little in an LRE course will have more impact on young participants than the chance to talk directly with a judge.

From the Court's Perspective: Suggestions for Developing a Court Visitation Program

If a court does not have an organized court visitation program, the following steps will help the court coordinator or other court personnel get started.

Develop goals and objectives for your court visitation program, keeping in mind the availability of court personnel, court session schedules, space, time, and other pertinent factors.

Meet with area school superintendents to share these goals and objectives, determining if such a program could feasibly be integrated into the existing school curriculum.

If the superintendents are interested in the program, the next step will probably be to meet with the various school principals and teachers who might become involved.

Explain to these principals and teachers exactly what the court is prepared to offer the students in terms of a community component to classroom study.

If all systems are "go" at this point, specific scheduling of court activities can begin:

1. Determine the number and types of court sessions which the students wish to observe, coordinating the schedule with all the area schools that have determined to participate.
2. Share orientation and court resource materials with the teachers, so that relevant information can be duplicated for participating students.
3. If it seems appropriate, schedule classroom orientation sessions so students have the opportunity to meet with the court coordinator or delegated person prior to the court visit. Review a sample trial list with the class, along with courtroom procedures and manners, and answer the students' questions. The semester or year-long court visit schedule can be explained to the students at this time.
4. Make certain that all court personnel are aware of the student visit schedule and the purpose of the program.
5. Select specific court personnel to talk with the students during their visits. Provide each speaker with suggested topics to cover and length of time with students, allowing for a question-answer period. If possible, a judge should meet briefly with the students each time they visit.
6. Make certain that each teacher has a copy of the court visit schedule, while maintaining a master schedule at the court. This schedule should include the list of recess speakers who will be meeting with the students.
7. If possible, provide each teacher with a copy of the trial list for the session that the students will be observing. Teachers can duplicate the list so that each student has a copy and can use it for taking notes during the session.
8. Students should arrive at court at least twenty minutes before the sessions begin. During this time, the program coordinator can review the trial list so that students understand the charges and possible dispositions, explain the day's schedule, and make certain that students are seated in the courtroom before the session begins.
9. Time should be set aside for students to have a snack or to eat lunch, especially if their court visit extends beyond their school lunchtime.
10. Be sure that teachers have a list of resource people, such as local attorneys, who are willing to help students with mock trials and to answer questions between court visits. Often, court personnel are willing to serve as resource people, even though they are not directly involved in the administration of the program.
11. Based on the goals and objectives outlined at the beginning of the program, develop methods for determining if you have reached those goals and accomplished those objectives.
12. If time permits, interview students and teachers about their reactions to the program and their suggestions for improvements.

It is important that judges—whether in the courtroom or in the classroom—learn as much as possible about what the students are studying and what kinds of questions they are likely to ask. Some questions will probably crop up all the time: "How did you get to be a judge?" "Is it scary to have the responsibility of a judge?" "How do you know whom to believe?" One judge answered a group of eighth graders who asked the latter question by saying, "Well, everyone is sworn to tell the truth, but we all know everyone doesn't tell the truth. For me, it gets down to credibility." By working closely with teachers, judges and other court personnel can devise LRE activities that give students invaluable insight into the fact-finding process.

Working with Limited Resources

The court coordinator can help to inform teachers, students, parent groups, and members of interested organizations about the LRE resources that are available through the court. These resources could include printed materials, audio-visual productions, physical facilities such as courtrooms and law libraries, and court personnel interested in working with students and teachers.

The extent of an individual court's resources that can be made available for LRE programs depends on numerous factors. Among these considerations are court space, the amount of time court employees can devote as organizers and resource providers, and budget constraints. Some rural courts, for example, are too small to seat a class-sized group of students during a trial. In one small court, this problem was solved when the presiding judge arranged for local high school audio-visual students to tape a mock trial put on by court personnel. Law-related education students were later shown the tape in their classrooms. Urban courts are often so pressed by their crowded court dockets that they cannot spare the time to work with students and teachers. In some areas, however, local attorneys and trained volunteers have worked together to help alleviate this problem. If the court's administrative budget cannot be stretched to allow for printing curriculum and resource materials, courts might consider forming a partnership with community organizations to produce these materials on a cooperative basis.

The Teacher's Perspective

Elementary, middle, and high school teachers across the country are working with local courts as they expand their teaching about the third branch of government. The court-related activities described in the remainder of this handbook were written by four such teachers.

Barbara Firestone's elementary school activities were written from the perspective of personal experience, and contain a great deal of supportive information. Her observations prove that it is possible for judges to work effectively and productively with younger students.

Activities for Local Courts Without Structured Programs

Structured or unstructured court visitation programs are supported by trial and appellate court judges across the country. Judges who sit in courts that do not have structured student visitation programs usually take time to talk with students who happen to be in court on a given day. The following suggestions from judges and other court personnel experienced with structured programs will help these judges support students and teachers in their communities.

- Arrange for other personnel to provide an orientation before court begins.
- Arrange for students to observe juror selection and orientation.
- Remember that the students may not be there all day; if possible, take a recess in order to discuss students' observations and to answer their questions.
- Try to meet with students in a quiet place, such as a conference room, vacant courtroom, or jury pool room.
- Try to concentrate on what the students observed in court, avoiding personal, unrelated questions that might arise.
- Try to get the students to relax. Start off by asking simple questions, like "What did you see?" "What did you think of such and such?" These questions will usually break the ice and show the students that you are interested in what they think.
- Be conscious of the age and vocabulary level of the students.
- Bring a few exhibits from a trial that the students have already observed; if possible, pass the exhibits around for the students to inspect and use them for a question-answer session relating to the nature and use of evidence, examination procedures, and so on.
- If a trial is not concluded when the students have to return to their school, tell them to contact you later to find out the decision.
- Offer the use of any resource materials that the court may have on hand in order to reinforce the students' courtroom-observation experiences.
- Have the students serve as "shadow jurors." Make a room available to them so that they can discuss their "verdict" in a trial they are observing.
- Meet with them to discuss their decision and to relate and explain the actual outcome of the case.
- Make arrangements for elementary students to tour the court. Meet with them in the courtroom, and let them sit in the various chairs of court officials.
- Encourage the court librarian or other court personnel to show students how to research cases and how to use the court resources in their law-related education program.

Marjorie Montgomery's lesson-plan ideas include numerous activities that prepare students for various court roles, and that utilize not only court personnel—such as clerks, probation officers, and judges—but law enforcement officers as well.

Patrick Collins' lesson involves actual court cases focusing on Supreme Court decisions. Mr. Collins uses these examples to expand upon the famous quote by Justice Oliver Wendell Holmes: "A Constitution is made for people of fundamentally differing views."

Rod Hanson provides a rationale for using court and community resource people in the classroom, and gives lesson plans that utilize actual trial and appellate court decisions, as well as a mock juvenile-disposition hearing.

These four teachers have had extensive experience teaching about the court system by using both the classroom and the courtroom. They have utilized the three key resources of law-related education—people, places, and resource materials—to suggest effective plans for instructing elementary, middle, and secondary students in the concepts and practices of our judicial system.

The experiences and lesson plans described in the remainder of this bar-school handbook will benefit both court personnel and classroom teachers, and will help to make teaching about the judicial system an informative and meaningful experience.

Teacher-authors Firestone, Montgomery, Collins, and Hanson have all used a team approach in their respective lesson plans. They have combined two professions and have blended legal and educational skills, knowledge, perspectives, and talents. Their common goal throughout has been to enable students to understand the issues, roles, and responsibilities of the judiciary in the context of the community, the state, and the nation.

Julie Van Camp is Executive Director of the Center for Research and Development in Law-Related Education (CRADLE). Each of the four teacher-authors represented in this booklet is a CRADLE scholarship teacher. You may contact CRADLE at Wake Forest University School of Law, P.O. Box 7206, Reynolda Station, Winston-Salem, North Carolina 27109; (919) 761-5434.

Research Activities

If your court has a library or if students have access to the necessary research materials, experience in locating and reading actual court cases is a valuable part of a student's law-related studies.

If trials end early and there is time, students could be divided into teams and could be asked to answer the following questions about specific cases. An example appears below. The court program coordinator could list other citations, making sure that students/teams will not need the same research materials at the same time.

Directions

Please identify the following: Citation

Book where the case is found: _____

Parties involved: _____

Issue (question of law): _____

Type of case—criminal or civil: _____

School Services That Judges (or Court Personnel) Can Provide

Directions: Rank the following in order of priority. Place a (1) beside the service that should be ranked highest, and a (6) beside the service that, in your opinion, should receive the lowest priority. Be prepared to explain your reasoning.

_____ Speak to a class in an elementary or secondary school.

_____ Speak to an assembly program in an elementary or secondary school.

_____ Preside as a judge in a school mock trial.

_____ Identify appropriate cases for use in school curricula.

_____ Participate as a resource person in a classroom simulation.

_____ Encourage employees and officers of the court to become involved in school activities as resource persons.

Elementary Schools and the Courts: How One Judge's Visit Transformed a Class

Fairness as a Focal Point

Students in grades four, five, and six are interested in the courts. There are several reasons for this, but the reason they give most is that they view television court shows.

Children at this age have a keen awareness of justice and how they want to be treated. Elementary school students will say that they like a certain person or teacher because that person is "nice." What they mean is that this person treats them fairly.

While most students know what fair means to them personally, they often misinterpret how fairness applies to their actions with others. Fairness, at the elementary level, is a very selfish concept. For example, a student is quick to blame another for lack of fairness as she/he views it, but slow in admitting any unfairness on his/her part.

As an elementary social studies teacher, I am responsible for teaching citizenship education. What better way to do this than involving children in citizenship experiences, using opportunities to help children broaden their understanding of fairness? Not only will the concept of fairness be broadened, but the focus can be extended to the way society deals with fairness and justice. Television is often limited, narrowly presenting the system of justice without an overall view of the court's role in the judicial system.

Certainly law-related classroom experiences involving children and courtroom visits will enhance their citizenship education.

The Judge Comes to School

How could I have ever anticipated that an elementary classmate of mine would someday be serving as a United States district court judge and be a visitor to my sixth-grade class-

room? Yet this is what happened. On May 1, Law Day, United States District Judge James Beasley accepted my invitation to meet with the children. His visit meant many things—certainly an opportunity for the children to discuss law-related issues.

He explained the framework of the U.S. Constitution and the judicial branch of the government. He talked about the court system of Kansas and Wichita, in particular, discussing the five departments of the district court and what cases each handled. He shared his role as judge of a domestic court. The children were given booklets entitled "It's My Courthouse, Too," and copies of the U.S. Constitution.

The Children Prepare for Their Court Experience

"No! No! Don't say that!" was my reaction when Judge Beasley invited my class to conduct a mock trial in his courtroom.

Here it was May, and school would soon be out. This was a class that had acquired a good background on the law from the various activities we had done during the year. They were children who could do it and were willing to do the extra work that would be involved. It sounded exciting to me as their teacher, and the children's excitement about this possibility was contagious. But I wasn't certain I had either the energy or the background for helping the children prepare the trial with the end-of-the-year activities facing us. Was I up to it?

Guidelines for Maximizing Positive Impact

In a few instances, resource people have proved less than beneficial in the classroom. They have arrived ill-prepared, covered material having no apparent bearing on the course, or used a straight lecture format. A federal study reported five guidelines for realizing optimal benefit from the expertise of professionals, such as court personnel, who are not necessarily trained in teaching methodology.

First, resource people should receive advance preparation not only in fitting their content into the course as a whole, but in effective, interactive teaching strategies—specifically in techniques for reaching the whole class, not just a few particularly receptive students.

Second, topics covered by resource people should be relevant to the rest of the course and properly timed for a good fit with the sequence of material presented.

Third, the principal mode of resource persons' in-class activity should be interaction with the students; e.g., a round-table discussion, a question-answer session, a "what's your opinion" format, or the like.

Fourth, resource people should present a balanced picture of the parts of the system that they know, neither claiming infallibility nor unduly emphasizing "horror stories" or examples of failure.

Fifth, students should receive preparation before the visit by a resource person to maximize their thoughtful participation when that individual is present.

The more I thought about the feelings the children had shared about the trial, the more I realized there would be many benefits. As a teacher, past experiences have taught me that when opportunities are available, it is a mistake to postpone them. Motivation is the key, and Judge Beasley had provided this for me.

I soon discovered that there were many assets already in place. For two months prior to Law Day, the children had been involved in activities relating to the U.S. Constitution. The children had acquired a very basic understanding and appreciation for this 200-year-old document and the judicial branch of government. They had participated in *pro se* court procedures and had held a mock trial in the classroom.

Drawing a Mock Trial from Children's Literature

Considering these assets, they could do a mock trial in the judge's courtroom with some additional preparation. An issue needed to be identified, one that would be interesting and have educational value. I considered many different issues, but after reading *The Day They Came to Arrest the Book*, by Nat Hentoff, I found an appropriate subject. The issue we would explore was book censorship. Not only did the book deal with this topic, but there was also a related case dealing with the same issue in Alabama.

We notified Judge Beasley and set a date for the mock trial in his courtroom. He suggested we visit the city's law library.

Trial preparations began. The case would be *McCollom v. Huckleberry Finn*. The issue was whether or not this book was appropriate for elementary children to read.

With the help of the school librarian, each of the children had a copy of *Huckleberry Finn*, by Samuel Clemens. The children were asked to read this book as suggested by a daily reading schedule, so that the book could be read in 22 days and allow enough time to prepare for the trial. The children took notes regarding the pros and cons of the story's appeal to them individually. Did the book have any of the attributes that they believed helped to make it a classic? Did the book's contents offend them in any way? The children's thinking and processing of the book's contents would form the basis of their opinion.

When they had completed the book, they added a summary paragraph as to whether or not this book should be banned from the school's library. By this time, the children had a long list of both the positive and negative aspects of *Huckleberry Finn*. There were children who felt it should be removed, some who felt it should be left on the library shelves, and a few children who were undecided. The negative features of the book included:

- contained poor grammar
- depicted use of drugs, sneaking out at night without parental permission, and murder
- contained bad language
- contained characters who told lies
- used the word "nigger"
- depicted cutting school, stealing, fighting, and physical abuse

The plaintiff's side found these offensive to children of elementary age. They believed that these topics could influence how children acted and felt. They also felt that the book's usage of "nigger" was not only offensive to blacks, but would perpetuate negative feelings that had existed since the Civil War. In addition, this book stereotyped women.

Opening Statements

The opening statement for the plaintiff read, "The writers of the Constitution in their wisdom tried to write down ideas to improve the country not only in 1787 but for the future. They provided us with an amending process—perhaps knowing slavery and the attitude toward women could change, and it has. Keeping the book *Huckleberry Finn* in the elementary school library is like going backwards—would you jurors want your twelve-year-old child who now walks to return to crawling?

"The issue of this case is civil rights, not just for blacks but for women. We are talking protection of the children from reading 'trashy' books."

The opening statement for the defense was equally interesting. "This case is about censorship—the doing in, the killing of books for various reasons—this is about the censorship of children's minds.

"Furthermore, it is about whether or not the novel *Huckleberry Finn* should be removed from the elementary school library, and it is about its author, Samuel Clemens, a/k/a Mark Twain. He is also on trial here today. Since he cannot speak for himself, since he no longer lives, the defense will speak for him."

The plaintiff's team presented their arguments and witnesses from a civil rights point of view. They discussed how ideas are perpetuated from one generation to another, and they argued that ideas such as those presented in the book have been improved since 1865. They discussed the attitude of Plato, the earliest self-proclaimed censor, who suggested in *The Republic* that one of the first acts of a government should be the establishment of a "censorship of writers of fiction" to perpetuate that which is good, and reject the bad.

In addition, they discovered and discussed the Hatch Amendment of 1978, which deals with morality in education. Furthermore, they suggested that the trend in the 1970s had been toward increased censorship by the "guardians of education."

The team made reference to *Tinker* v. *Des Moines School District*, which held that First Amendment rights did not include acitivities causing a substantial disruption of the educational or disciplinary processes of the school.

Another case examined was *Island Trees* v. *Pico*, where the Court affirmed the removal of books deemed vulgar by school boards. The Court suggested that vulgarity and objectionable language may be a proper basis for book removal. Justice Blackmun's concurring opinion in this case held: "School officials must be able to choose one book over another, without outside interference, when the first book is deemed more relevant to the curriculum, or better written, or when one of a host of other politically neutral reasons is present. These decisions obviously will not implicate First Amendment values. . . And even absent space or financial limitations, First Amendment principles would allow a school board to refuse to make a book available to students because it contains offensive language. . .or because it is psychologically or intellectually inappropriate for the age group, or even, perhaps because the ideas it advances are 'manifestly inimical to the public welfare'. . .And, of course, school officials may choose one book over another because they believe that one subject is more important, or is more deserving of emphasis."

The defense team based their arguments on the First Amendment and maintained that once censorship of *Huckleberry Finn* was allowed, there would be no end to the number of books that would be censored because they offended some person or groups of people. They also suggested that there were examples of censorship cases dating back to 1850 that had been found "unconstitutional."

They also cited *Little Black Sambo*, which was removed due to the controversy over blacks in the book. They believed that a part of American culture was removed along with the book.

Further argument suggested how librarians and teachers work hard at creating a love for books, while censorship disappoints those people who have enjoyed the books, or would enjoy them.

One of the strongest arguments for the defense was that often writings contribute to positive reform in a culture. Perhaps Samuel Clemens was purposely writing this story to contribute to reform movements. Perhaps he was actually identifying what was wrong with society.

The team also approached the book's reference to drinking and the fact that Huck's father beat him when he was drunk. By reading the book, it would serve to remind children that they should be thankful for a sober father who doesn't beat his child.

Finally, the defense cited Justice Brennan's comments in *Island Trees* v. *Pico* that ". . . students do not shed their rights at the schoolhouse gate. . . ." The defense held that students attended school for the right to get an education, and this included the practice of "freedom of choice." If part of the education included making choices, then children had the right to practice this right in the elementary school library.

The positive comments about the book included:

- showed life along the Mississippi River
- showed how the people acted and believed in the 1800s
- was adventurous
- included Huck's attempts to help a slave
- included references to the Bible and what is morally good
- had humor
- showed the friendship between a black and a white
- introduced a classic
- taught survival
- introduced readers to Shakespeare
- contained good descriptions
- raised issues about what is right and wrong
- presented several problems and their solutions
- followed the personality development of the characters
- focused on Huck, who was basically a good person

Using the children's prepared statements and their feelings about this book, plaintiff and defendant teams were formed. Each side began deciding on how this issue would be approached during the trial. To involve as many children as possible, each side had four trial lawyers. One child was selected by the team members to do the actual talking during the trial.

An after school field trip was arranged to visit the city law library. Following a tour of the facility, an attorney helped the children locate materials.

The teams met before and after school to prepare their cases. They collected related materials from the library, utilized the information available in the newspaper about the Alabama case, and used the affidavit statements prepared by the children as to their feelings about the book. Witnesses were chosen based on this information.

As a class, we discussed the roles played by the different people involved in the trial process. We placed emphasis on the idea that the judicial process works best when every person plays the role completely.

The witnesses became very important to both teams. In addition to classmates, the teams subpoenaed the executive editor of the local newspaper, a professor-writer from one of the universities, a black civil rights lawyer, the school librarian, and several local attorneys. These witnesses cooperated, added to the seriousness of the trial, and helped make the trial realistic.

Both sides prepared well. At trial, they were sometimes overruled in their attempts to present evidence, but they had much "ammunition" for their views about the case. At one point, the two speaking attorneys became argumentative, and the trial became tense, with the black, female twelve-year-old judge reprimanding them. It was evident that the children were playing the roles assigned to them to the hilt and believed in what they were arguing.

The closing arguments became quite dramatic, perhaps because of the television influence. The plaintiff's attorney summarized why the book should be removed from the elementary school library. He equated the jurors to the 39 signers of the U.S. Constitution. The decision they were to make equalled, in his opinion, the signing of the Constitution. He challenged the jurors to make a decision that would reflect the Constitution's ideals and sense of fairness. He asked them to consider their decision, too, as an opportunity to improve present-day society.

The defense attorney said that removing the book would be the beginning of several other book removals. She said that the plaintiff had not proven anything or presented substantial evidence for the book to be removed. She suggested that this case was not only about the censoring of books, but the censoring of children's minds. Her final comment was, "Show me a book that offends no one, and I will show you a book that no one has read."

Keats once wrote, "A thing of beauty is a joy forever." From an educator's point of view, the two hours I observed the children as they held this trial was "a joy forever." It had to be one of the most exciting activities that I have ever witnessed. The children worked hard, gained a working vocabulary about legal terms, became involved with their roles, and felt very strongly about the issues. They became better acquainted with the Constitution, developed some awareness of what censorship is, and discovered to what degree the courts and the judicial process protect individuals' rights.

A Newsman's Perspective (from the editorial page of the Wichita Eagle-Beacon newspaper)

Though skewered by a 12-year-old smart aleck, I nevertheless gave thanks for a refreshing encounter with some of Kansas' young people, my third that month. It's a prescription I recommend for the cynicism that comes from the dreary dominance of crime-and-drug headlines, too much clatter of MTV and boom boxes and concerns about marginal literacy and teen parenthood.

This occasion was a mock trial, in the Sedgwick County Courthouse, of the issue of whether Mark Twain's "Huckleberry Finn" should be banned from the library because it contains swear words and racial slurs, primarily the word "nigger."

The participants—judge, jury, counsel, spectators—were sixth-graders from Barbara Firestone's class at McCollom School. I had been subpoenaed, along with educators, a psychologist and other witnesses, including students.

I have seen lawyers at felony trials less well prepared than the principals in this one. Opening statements, order of questions, closing arguments—all were finely tuned. The judge knew her business, and nobody in that courtroom that day was playing games. As they hadn't been in preparing their cases: the defense attorney had called me, identifying herself—truthfully if incompletely—as a student working on a project, and asked me about censorship. Apparently satisfied with my answer (following the careful attorney's admonition never to ask a question you don't know the answer to) she dropped the subpoena on me.

The jury, by the way, decided 11-1, in favor of Twain and against censorship.

—Davis Merrit, Jr., Executive Editor

What Mock Trials Can Accomplish

"A memorable learning experience for these youngsters, the mock trial complements meaningful study, purposeful research, and intriguing acquaintance with law-related professionals' work, an appreciation for our judicial process, a greater awareness of our Constitution's connection with the courts, and a clearer understanding of courtroom procedures and purpose."

—John H. Wilson, Wichita State University, Professor of Elementary Education.

Jurors of the Future

Students who served as jurors received first-hand experience for something they may be asked to do in the future. They discovered that being a juror is an important responsibility. Listening and weighing evidence is an important citizen obligation.

As I reflect now on the initial school invitation and the feelings I had when Judge Beasley invited my class to court, I had almost been guilty of "censoring" this experience for the students. The children learned about the law and the system of justice. I hope that what they learned will transfer to their own individual experiences and understanding of fairness.

Judge Beasley addressed the children immediately following the trial. He recognized the children's hard work, complimented them, and commented that what they had done helped him to appreciate the law even more.

And, finally, the jury brought back a verdict of not guilty and stated that the book *Huckleberry Finn* should not be removed from the elementary school library. The issue of book censorship had been resolved . . . for that day at least.

Barbara J. Firestone teaches sixth grade at McCollom Elementary School in Wichita, Kansas.

Middle Schools and Courts: Team Approach in the Classroom and Courtroom

Middle school students are at a perfect age to become involved in court visits. Their sense of what's fair and what's not fair guides their lives: "That's not fair!" is their favorite phrase and most damning indictment of parent, teacher, or other authority figure. Since middle school students tend not to have after-school jobs, they have more time. The middle school itself is not as tightly bound by curriculum requirements and the shadow of the college boards as high schools are. Most importantly, early adolescents love talking with court personnel and going to court.

Preparing for a Court Visit

Set up the court visit with the appropriate contact person in the court. Schedule the class visit for a time when the court is the busiest, probably a Monday or the day after a three-day weekend.

These role playing activities are designed to enable students to both gain the factual information they will need to be informed visitors to the court and follow the proceedings, and also to look at the situation from a variety of points of view.

The Arrest

Divide kids into groups of four and ask each group to plan a simple arrest, two playing police officers, two alleged criminals. After they have planned their scenes, invite a local police officer into the classroom to watch, critique their arrests, and supply the appropriate method of action. This will probably take several days, depending upon what the class knows about the Constitution and the law. Be sure she/he includes how to get a warrant. At the end of each scene, have the students rethink their role play and make it legal.

If possible, have police officers visit who are good role models for girls and for minority students.

During the discussions with officer(s) and other court personnel, students will ask many questions which are off the track of the topic. Depending upon the flexibility of the officer(s), either follow up on the questions, or have a question bank for a later visit. Warn the visitors that middle school kids will inevitably ask how much they make.

Victim's Rights

Invite a victim/witness advocate to come into the class and discuss his/her work with the victims of a crime. If possible, have him/her bring a person into class who has been through the process. Have the kids find out what happens and what support exists within the community to assist the victim while the rights of the defendant are being protected.

Probation Officer

Invite in a probation officer to discuss his/her role with the defendant. Assuming a conviction on the role-played crime, have the probation officer play out the work she/he does with the offender. Make sure she/he discusses community resources available to help out in the situation.

Prosecutor/Defense Attorney

Have the students pick their favorite cases from the role plays. Then have them hammer out the facts upon which both the prosecution and the defense mutually agree and write out all those facts.

Give the facts to a prosecutor and a defense attorney and have them give an opening statement. In the discussion they should explain how they would choose which facts to include, which to highlight, which to gloss over, and which to ignore in dealing with the case. Inevitably kids will get into issues of fairness and ethics in dealing with these questions. (Please do not invite two white male attorneys to do this exercise.)

Small Claims

Ask a small group of students to find out how small claims are handled in your area. If a guide exists, have them bring copies to class. If no guide exists, this is a perfect opportu-

nity for writing one, perhaps in conjunction with the English teacher. Then present the guide to the presiding justice for the use of the court. Be sure the kids' names are on the guide.

Have kids go home and find out what grievances exist there which would fall under the small claims category. Inevitably families have had problems with goods or services. Ask each student to fill out a claim form, preferably on an overhead transparency. Then invite the clerk of court who handles these claims to come into class and deal with the forms. The clerk can made the process relevant by telling them:

- the form was filled out incorrectly and how to correct it;
- the case has no merit;
- the forms are filled out correctly and the case has merit;
- she/he will continue it.

If there is time after the clerk's visit, have students role play their claims and let the class vote on which side has prevailed.

It is possible that after students have been through this exercise, some of them will actually handle a small claim in court. If that occurs and the student is willing, take the class to court to watch.

Point of View

This is a culminating activity to be conducted before the actual court visit takes place.

At the end of all these precourt exercises, students should have a solid understanding of the players in the game of court.

First, have students make silhouettes. Supplies include:

- 18″ × 24″ black construction paper
- masking tape
- scissors that really can cut
- a bright light source—overhead projector, 35 mm . projector, slide projector
- newsprint—depending upon the manual dexterity of the class you may want to use scrap paper for some trial-and-error experimentation

The procedure for making silhouettes is as follows:

1. Divide the class into groups of three—one student to pose, one to hold, and one to trace. While every student will be positive that she/he can sit still for the few moments it takes to trace the outline of his/her head, in fact, the silhouettes will be better if a student stands behind the poser and holds his/her head.
2. Have the poser sit with his/her shoulder touching the wall and about two or three feet from the light source. Position the paper and tape it to the wall. You'll discover it's easier to move the paper than the student.
3. Focus the light source.
4. Have the tracer outline the shadow in pencil so that a shiny line shows on the black construction paper. Hair is especially important in making a silhouette look like the poser. Be sure students do not cut off the necks of their silhouettes or they won't be happy with the results.
5. After all three students have held, posed, and drawn, turn the light over to the next group while the first cuts out their silhouettes. Be warned—every student will declare that his/her nose does not look like that and begin searching for a cosmetic surgeon. Discourage that as much as possible.
6. Combine two silhouette groups and have each of the six students choose a role from those you've discussed in class—police officer, defendant, prosecutor, defense attorney, probation officer, victim/witness coordinator.
7. Have the group brainstorm a list of words which describe that person's roles, attitudes, and feelings in the case. Then have the group divide up the list of words according to the point of view of each participant; keep going until each student has 20 words on his/her list. Each student then takes his/her list and makes each word look like what it means.
8. Each student than glues the words to his/her silhouette. After they are turned in, put them up in the room surrounding a summary of each case.

Now when students visit court they know what will be happening, what the roles of the players are, and can see the happenings from the point of view of each of the players.

The Court Visit

"Murderers have mothers, too." For middle school students, going to court is an exciting adventure, a peek into another world. They look forward to their day in court and are very excited. The hardest thing to drill into them before they leave the school is that there are people with two mind sets they will be seeing. The first are all the employees of the court for whom this is a regular day of business; they have things which have to be done. The second are those who are called into court; they are generally very upset and nervous. Students have to be aware of these feelings at all times and not intrude. Their behavior must be appropriate to the situation. If you do role playing activities in preparation to the court visit, during the debriefing, stop the students and ask them, as their characters, how they felt during the scene. Then have kids look at how they, as their characters, would feel if kids were giggling at the time.

Have kids think about what they wear, and include nothing which screams "teen-ager." Their job is to remain as inconspicuous as possible so that they can see what really happens in court and not change those events because of their presence.

Schedule the court visit on a day when there is a lot of business going on. This is a real-world activity, and there are good days and bad days. Sometimes judges lose their tempers. Explain that things don't always happen when they're supposed to. Sometimes you spend a lot of time waiting around. Going to court is not like Judge Wapner, Perry Mason, or "L.A. Law"—but it can be a moving, unforgettable experience.

Marjorie Montgomery teaches at J.A. Day Junior High School in Newton, Massachusetts.

High Schools and Teaching about Our Courts: "A Constitution Is Made for People of Fundamentally Differing Views"

Every time another government study or university report is released announcing that Americans have sunk to new depths of ignorance about social studies, especially about the United States Constitution, it's enough to depress a hyena. The list of blunders ranges from enthusiasts who answer that the first three words of the Constitution are, "In the beginning . . .", to yuppies who think that "checks and balances" has something to do with end of the month banking.

During dark times like that, a teacher of government is tempted to raise the holy of unholy questions: "If my students were going to forget every lesson they studied about the United States Constitution, save one, what would I want that one lesson to be?" (Surely the Commission on the Bicentennial of the United States Constitution would cringe at the suggestion of shrinking their ambitious work to a single thought!)

The nominees for this "one Constitution lesson to remember" would be understandably formidable: the guarantee of a republican form of government; the principle of separation of power; judicial review; the First Amendment freedoms; the assistance of counsel in the criminal process; or the Fourteenth Amendment's equal protection clause, to cite just a few examples.

The one lesson about the Constitution that I hope my students would understand and never forget, in this risky game, would be from a man who was the son of a famous American writer; a soldier who was wounded in the battles of Ball's Bluff, Antietam, and Chancellorsville; and a justice of the United States Supreme Court from 1902 until 1932 – Oliver Wendell Holmes, Jr. Of all the quotable quotes from Holmes, the one that I believe to be indispensible is his adage: "A Constitution is made for people of fundamentally differing views."

The point of Holmes' lesson may elude some high school students, so you proceed to review two interesting and controversial Supreme Court decisions in which justices intensely disagree about what the law means. The purpose of this lesson is to have the students derive from Holmes that:

- your personal philosophy is going to influence your decision no matter how "objective" you claim to be;
- what may be obvious to you is not so obvious to another;
- the other person has just as much right to be here as you do;
- you can disagree without being disagreeable;
- to avoid the day when we resolve conflicts by shooting the other person, we must accept the democratic principle of majority rule and the necessity of compromise.

The class activity can begin with the icebreaker of asking the students what they believe is the most important aspect of the Constitution. Acknowledge those who answer for their appreciation of the Constitution. Then write on

Student Evaluation Sheet

Name: _____
Session(s): _____
School: _____
Grade: _____

1. What was the most valuable thing you learned during your court visit? _____
2. What changes would you recommend in the court visitation program? _____
3. How did you feel about the people you observed in court? _____
4. What questions do you have about what you observed? _____

Teacher's Court-Visit Evaluation

Name _____
Sessions Observed _____
School _____
Grade _____

1. Briefly describe your students' reactions to their court visit _____
2. What do you feel was the most important thing your students learned from their court visit? _____
3. Do you have any suggestions that would make a court visit more meaningful for your students? _____
4. Do your students receive any law-related instruction as part of their curriculum? If so, please describe. _____

Some Quotable Thoughts on Law-Related Education

I consider law-related education programs to be a basic and essential part of the educational experience of Americans. I further think this education can be effective only by means of a permanent working relationship between educators and the people of the courts.

One of my predecessors as Chief Justice of the Supreme Judicial Court, John Adams, inserted in the Massachusetts Constitution of 1780 a reference to "the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish [educational programs as]. . . being necessary for the preservation of the rights and liberties" of the citizenry. I am confident that, given the history of his times and his involvement in it, Adams' exhortation extends to what we now refer to as law-related education.

—Edward F. Hennessey,
Chief Justice Supreme Judicial Court of Massachusetts

the blackboard the name of Oliver Wendell Holmes, Jr., and the sentence, "A Constitution is made for people of fundamentally differing views."

To demonstrate Holmes' idea in action, pick any two interesting and controversial Supreme Court cases. A suggestion would be the affirmative action case of *United Steelworkers of America v. Weber* (1979) and the "garbage bag" case of *California v. Greenwood* (1988).

In the *Weber* case the basic arguments of the two sides need to be presented to the class. The Kaiser Aluminum and Chemical Corporation created an affirmative action training program, endorsed by the United Steelworkers of America, that would be made available to a limited number of its employees. Selection would be determined on the basis of seniority and race. In this way, for every white worker chosen by seniority, a black worker would also be chosen for the training program and career advancement. Brian Weber, a white male with more seniority than blacks who were picked, was passed over. Weber claimed that this affirmative action procedure violated Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment and promotions on the basis of race.

With the basic facts of the case made, let the students have the floor to support the United Steelworkers of America or Weber. This usually provokes heated debate, especially in heterogeneous classrooms, but if your students are all in agreement, you should be prepared to play the devil's advocate.

At the end of a brief time alloted for this segment, you then introduce Justice William Brennan and Justice William Rehnquist. Explain that Rehnquist was guided by "the letter of the law" and saw the Kaiser training program as a blatant violation of the Civil Rights Act. To Rehnquist, "reverse discrimination" is nonetheless discrimination and, according to the law, intolerable. However, Justice Brennan's interpretation of the Civil Rights Act carried the day because of the way he viewed "the spirit of the law." Since the spirit of the 1964 law was to help blacks, according to Brennan, then the Kaiser affirmative action plan surely fell within that spirit. Rehnquist's dissent was vigorously critical of this liberal interpretation of the law in the face of such clear wording. Brennan's argument prevailed, however. Thus, the real purpose of reviewing the case is not just "to learn the facts," but to see how people with fundamentally differing views are to resolve their positions in a civilized fashion.

In the *Greenwood* case, the class activity is the same. Explain that Billy Greenwood of Laguna Beach, California, was under suspicion of dealing drugs. The police arranged for the garbage collectors to turn over to the authorities the plastic trash bags they would pick up on the curb in front of Greenwood's house. A search of a garbage bag revealed drug-related material, including straws containing cocaine residue. With that evidence, the police were able to obtain a search warrant for the house, where they found cocaine and hashish. In court, Greenwood protested that the original warrantless search of his garbage bag was a violation of the Fourth Amendment. The California courts agreed with Greenwood and invoked the exclusionary rule.

Now introduce the justices who have fundamentally differing views about this case: Justice Byron White and Justice William Brennan (along with Justice Thurgood Marshall). In this 6-2 decision, Justice White wrote for the majority that Greenwood could have no reasonable expectation of privacy for his garbage bag. Therefore, a search warrant would not be needed by police. Justices Brennan and Marshall, archdefenders of the individual's liberty, were shocked. "Scrutiny of another's trash is contrary to commonly accepted notions of civilized behavior," they maintained.

The Fourth Amendment says, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." The challenging word here, of course, is "unreasonable." The Framers of the Constitution and Oliver Wendell Holmes knew that such wording would necessitate debate among reasonable people. This enables the Constitution to be dynamic, responsive, and evolving. Civilized discourse between people of fundamentally differing views is often exasperating. However, this discourse offers the greatest hope for the peaceful and orderly resolution of our differences.

Having high school students appreciate Holmes' concept ("A Constitution is made for people of fundamentally differing views") and thus encouraging them to be active participants in our democracy may be one of the most valuable contributions we can make to our future.

Patrick Collins teaches at Belen Jesuit Preparatory School in Miami, Florida.

Involving Court People in the Secondary Classroom

Why do we use community resource people in our citizenship classes at Redmond High School? Why do we consider these people critical to our successful programs in law-related education and the teaching of the American political system? Why do we try to incorporate the community in virtually every unit we teach in our required senior government class?

Let me give you ten reasons why we consider the use of community resources critical to citizenship education:

1. *Adds legitimacy to the school curriculum*—Students learn from the actual police officers, lawyers, judges, and commissioners, first hand, thus adding authenticity to our teaching.
2. *Develops maturity and skills in problem solving*—when activity-based education (role playing, case studies, mock trials) is used by the resource person in the classroom, students learn that the real world involves hard decisions.
3. *Develops respect for authority and personal responsibility*—Citizenship skills that develop an understanding of our rights and our responsibilities are reinforced through these programs.
4. *Reduces delinquency and develops changed attitudes*—Recent studies by the Colorado Juvenile Justice and Delinquency Prevention Council testify to the merits of using community resource people in the classroom.
5. *Great sources of information*—Community resources provide information that is beyond the scope of the average classroom teacher. No teacher can be a know-it-all, and we need to realize that good use of community resource people can provide our students with a broader base of knowledge and understanding.
6. *Increases bonding to school, community, and nation*—Students feel more a part of a larger group, with a personal connection into those systems.
7. *Provides opportunities for community service, vocational education, and development of good citizenship.*
8. *High interest level among the students*—Well-planned, experience-based participation by resource people in the classroom is always exciting and fun for the students.
9. *Demystifies the American political and legal system*—First-hand information from the resource people helps students to be less confused, alienated, and apathetic towards our political and legal systems.
10. *Increases understanding*—Teaches first hand about our government institutions and systems.

Lesson: Making the Appellate Court Come Alive

How does the appeals process work? What goes on in a typical appellate court? What factors do appellate judges consider? These questions and more will be answered and discussed when a visit from an appellate court judge to your classroom turns into a memorable educational experience by role playing a court of appeals hearing.

The intermediate courts of appeals both at the federal and state levels are the workhorses of our appellate system. Unfortunately, few teachers have the expertise to educate our students in the procedures, processes, and importance of this system. By role playing a mock appellate court hearing with an actual appellate judge, students should develop a deeper understanding of the appellate process.

This activity could be used with any high school citizenship class studying the court system. One or two days will be needed to role play the background of a famous case in American history and to discuss background information on the appellate system (optional). One day will be needed for the appellate judge to lead the court hearing on the case and lead a debriefing session.

Goals

1. The student will develop an understanding of the procedures and processes followed in the appellate court system.
2. The student will develop an understanding of the role of an appellate judge in the Americal legal system.
3. The student will develop an understanding of the basis for law in our society.
4. The student will develop communication skills, self-confidence, and personal maturity through active participation in a role play.

Why Court-School Cooperation?

School-based citizenship and law-related education programs with which courts become involved generally have one or more of the following purposes:

1. to foster among students civic competence, civic responsibility, and an understanding of and commitment to the fundamental principles, processes, and values essential to the preservation and improvement of our free society;
2. to promote legal literacy;
3. to help students avoid legal problems and deal more responsibly and effectively with them when they do arise;
4. to emphasize basic skills such as reading and understanding a contract;
5. to enhance higher-level skills such as analytical thinking, the ability to persuade others, and the ability to reach decisions after identifying issues and weighing evidence;
6. to provide opportunities for gaining knowledge, skills, attitudes, and experiences that promote efffective, responsible citizenship; and
7. to reduce delinquent behavior by improving student attitudes toward authority and by increasing belief in and respect for the law and for legal concepts such as justice, responsibility, and individual rights.

Procedure

Before the Lesson: Since this lesson has the option of role playing the background events to an actual case, the teacher must choose which case she/he would like to use in class. Three famous cases are provided that I believe would work well in class: *New Jersey* v. *T.L.O.*, *Bethel School District* v. *Fraser*, and *Hazelwood School District* v. *Kuhlmeir*. (Note: all three cases deal with students' rights and the schools, but many other topics can easily be role played.)

The procedure before the lesson begins would be to: (1) choose the appropriate case, (2) assign the parts for the role play and hand out the information to those participants, and (3) assign two lawyers for each side in the case to prepare legal briefs and oral arguments for the mock appellate court presentation with the visiting appellate judge. The assigning of parts should be done several days before the planned visit. It is important that the case assigned be rather famous so that your student lawyers can get additional information in preparing their case.

Possible Cases

Case 1: New Jersey v. *T.L.O.* (105 S.Ct. 733, 1985)

Parts: T.L.O., a friend of T.L.O.'s, a teacher, an assistant vice principal

Scenes and Locations: Scene 1—girls' bathroom in the school. T.L.O. and friend are caught smoking. Scene 2—assistant vice principal's office. T.L.O. is searched and questioned.

On March 7, 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. Since this was a violation of school rules, the teacher took the two students to the principal's office. The assistant vice principal questioned the two girls separately. One student admitted she had been smoking. However, T.L.O. denied she had been smoking in the restroom and claimed she did not smoke at all.

The assistant vice principal asked to see T.L.O.'s purse. When he opened the purse he found a pack of cigarettes and also noticed a package of rolling papers. From his experience, he knew that the possession of rolling papers was commonly associated with the use of marijuana, so he searched the purse more thoroughly. He found a small quantity of marijuana, a pipe, several empty plastic bags, a substantial amount of money, a card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marijuana dealing.

Case 2: Bethel School District No. 403 v. *Fraser* (106 S. Ct. 3159, 1986)

Parts: Matthew Fraser, two teachers, a friend running for school office, various audience members, assistant principal.

Scenes and Locations: Scene 1—a classroom after school. Matt and his friend running for office discussing his speech.

Scene 2: Lunch at school—Matt and two teachers previewing the speech.

Scene 3: Auditorium—Matt addressing the audience.

Scene 4: Assistant principal's office—Matt and assistant principal discussing his rights and punishment.

Matthew Fraser was a student at Bethel High School. On April 26, 1983, he gave a speech to around 600 high school students, nominating another student as a school officer. The students could either attend the assembly or go to study hall.

There was a rule against obscene or profane language at Bethel High School. Matthew Fraser had shown his speech to two of his teachers before he gave it. They warned him that it was inappropriate, that he probably should not give it, and that he would probably get in trouble if he did. Matthew gave the speech anyway, just as he had written it. It contained suggestive language that would be offensive to many people. The following is the entire text of Fraser's nominating speech:

> I know a man who is firm—he's firm in his pants, he's firm in his shirt, his character is firm—but most of all, his belief in you, the students of Bethel, is firm. Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he'll take an issue and nail it to the wall. He doesn't attack things in spurts—he drives hard, pushing and pushing until finally he succeeds. Jeff is a man who will go to the very end and even the climax, for each and every one of you. So vote for Jeff for ASB vice-president—he'll never come between you and the best our high school can be.

The speech drew a variety of responses. Students hooted and hollered, some seemed embarrassed, and some were seen making what appeared to be sexual gestures. As a result of the speech, one teacher reported that ten minutes of her class time was taken up with discussion of the speech. No other evidence of disruption of the educational process was reported.

The day after he delivered the speech, Fraser was asked to report to the assistant principal's office and to produce a copy of the text of his speech. At the meeting, Fraser was given notice that he was being charged with violating the school's disruptive conduct rule. (Disruptive conduct: conduct which materially and substantially interfered with the educational process is prohibited, including the use of obscene, profane language or gestures.)

After he was given an opportunity to explain his conduct, Fraser was suspended for three days. Fraser, who was a member of the Honor Society and the debate team and the recipient of the "Top Speaker" award in statewide debate championships for two consecutive years, was also informed that his name would be removed from a previously approved list of candidates on the ballot for graduation speaker. Even though his name was stricken from the ballot, he was elected a graduation speaker by his classmates on a write-in vote, receiving the second highest number of votes cast. The district, nevertheless, continued to deny him permission to speak.

Case 3: Hazelwood School District v. *Kuhlmeir* (Docket #86-836, 1988)

Parts: Two editors of the student newspaper, faculty advisor, principal.

Scenes and Locations: Scene 1—Journalism class; two editors and faculty advisor discussing the newspaper articles.

Scene 2—principal's office; two editors, faculty advisor, and principal discussing the newspaper.

The student newspaper at Hazelwood East High School

was published out of a Journalism II class, where students acted as editors with some oversight by the teacher. The principal of the school would read the typeset copy before it went to press. School Board policy said, "school-sponsored student publications will not restrict free expression or diverse viewpoints within the rule of responsible journalism."

The principal didn't like two articles prepared for the latest issue: (1) a teen pregnancy article that quoted three unnamed, pregnant students whom the principal thought might be identified from the text, and that, in the principal's opinion, made references to sexual activity and birth control methods that were inappropriate for younger students; and (2) an article on divorce that quoted, by name, a student who said her father didn't spend enough time with the family before the divorce, was always out of town on business, or with her mother. The principal thought that the quoted student's parents should have had the opportunity to comment on the article or to consent to it before publication. Due to the principal's claim that there was not enough time left in the school year to carry out major revisions or reviews of the articles, he did not give the editors the opportunity to revise the articles. Instead, he ordered the two questionable pages – including a total of six articles – to be deleted from the newspaper.

Role Playing, Debriefing, and Discussion

Day 1

Role play the selected case in front of the entire class. I would suggest having actual props where needed and moving from location to location in the school (bathroom, lunchroom, etc.). After the role play, debrief with the class. Be sure to focus in on the key constitutional issues at stake and why the case was appealed. Lead a discussion on the basic procedures in an appeals case. Be sure to focus on:

(1) workload
(2) acceptance of cases
(3) written briefs
(4) oral arguments
(5) questioning/answering
(6) decision making
(7) writing the opinion

Depending on the time available, this may take an additional day to prepare for the resource person's visit.

Day 2

Mock appellate hearing and debriefing with an appellate court judge. Have the classroom set up like an appellate courtroom as the students enter the room. Begin the mock appellate hearing trial as a student plays a court officer and announces the judge's arrival in court. Student lawyers will present written briefs and oral arguments, and will be question by the judge during the oral arguments. Encourage the judge by run this mock hearing as he/she would an actual appellate court hearing, yet adapting the mock hearing to the classroom due to time constraints (see the American Bar Association's excellent pamphlet entitled "Involving the Community in Your Program," *LRE Project Exchange*, Spring, 1984, for do's and don'ts for resource people in the classroom).

After the mock trial, have the judge debrief the class on the appellate procedures. Focus on:

(1) processes and procedures of the hearings
(2) factors that influence judges
(3) key constitutional issues in the case
(4) personal experiences as an appellate judge.

Follow-Up

During the following class session, discuss the visit with the students. Review the major points made by the resource person. Was the activity useful in learning about the appellate courts? Ask for ways to improve the use of this person, and share these comments with the resource person for possible future visits. Be sure to write a letter thanking the judge for his/her participation in class.

A Mock Disposition Hearing: Using Resource People to Teach the Consequences of Juvenile Offenses

What consequences do minors face as a result of a "Minor in Possession" conviction? Are minors liable in paternity suits? Are minors immune from debts they incur? What about the records of juvenile offenders? At what point and under what conditions are they expunged? These are questions students often ask their citizenship teachers during the course of a school year, yet, for most of us, our knowledge of the juvenile justice system is so limited that we fail to answer many of these questions.

What better way to add excitement into your classroom than by involving a resource person from the juvenile justice system or a juvenile court judge in active participation with your students? Through the use of role playing a disposition hearing, your resource person will come alive with a wealth of information in your class.

This activity could be used with any civics class, grades 7-12. It will take one to two days to complete.

A visit from a resource person involved in the juvenile justice system should provide students with first-hand information in areas that directly affect their lives. Role playing increases student involvement, an interest in the juvenile justice system, and helps students understand the consequences of their actions as minors.

Goals

(1) the student will develop an understanding of the procedures and processes involved in a juvenile disposition hearing;
(2) the student will develop an understanding of the consequences of such juvenile offenses as status offenses and delinquency;
(3) the student will develop an understanding of the jurisdiction of the juvenile justice system;
(4) the student will develop skills in critical thinking, problem solving, and personal responsibility through the use of role plays and case studies.

Procedure

The teacher and resource person will work together in

leading the class in a series of role plays and case studies. To begin the class period, introduce your resource person to the class and give instructions for the simulations. Divide the class into groups of three to begin the case studies. The case studies and role plays involve mock juvenile dispositional hearings in which a judge, usually based on the presentence report prepared by the juvenile services department, decides what sentence, or disposition, the juvenile should receive. Hand out the first case studies and have each group come up with a disposition. Various options should be considered by the students, including – but not limited to:

(1) community service
(2) counseling
(3) wardship
(4) treatment
(5) probation – conditional (state conditions)
(6) probation – unconditional
(7) juvenile corrections institution

Have students come up with a detailed recommendation for the judge in their report. The report should consider the juvenile's social, economic, psychological, family, work, and school backgrounds. While each group is preparing its recommendations, one group should be meeting with the juvenile justice worker preparing to role play the dispositional hearing. Assign parts as the juvenile, judge, and parents or guardians. Have the resource person be the judge in the first role play, and switch his/her role to the juvenile in the second case. From that point on, he/she should only observe and help prepare the role plays.

When all groups are ready with their recommendations, role play the first case study hearing. When the role play is complete, have each group share and compare their recommendations in light of the role play. The resource person and teacher should lead the discussion after each role play.

Continue on for as many case studies as you would like to use. Be sure to allow plenty of time for debriefing and a question-answer period for the juvenile justice worker to spend with the class. You may need a second day devoted solely to questions and answers on the juvenile justice system. I have found that students are fascinated with key areas involving juvenile justice, including:

(1) "Minor in Possession" offenses
(2) Juvenile records and expungement
(3) Statutory rape and paternity suits
(4) Juvenile crime and liability
(5) Narcotics violations

Case Studies for Mock Disposition Hearings

The following juveniles have been found delinquent or guilty of a status offense in the following situations:

Name: Mary Schlobotnik, Age 16
Offense: "Minor in Possession"
Residence: 1021 Fourteenth Street
Education: Currently enrolled in the 11th grade at Riverview High School
Previous record: One previous "Minor in Possession"; one shoplifting charge (charges dropped)
Comments: Mary is a "B" student in high school. She lives at home with her father (banker), mother (housewife), and two older brothers who have had two speeding tickets in the last year.

Name: Billy Brockhorst, Age 17
Offense: Grand theft auto, vandalism, "minor in possession," narcotics possession
Residence: 833 NW 17th Street
Education: Currently enrolled as a senior at Colclough High School
Previous record: None
Comments: Billy confessed to stealing an automobile owned by a fellow student at Colclough High School. The automobile, a 1985 Corvette, was stolen by Billy from the school parking lot and was found with the tires slashed, stereo deck removed, spray painted obscenities over 90 percent of the car, and empty beer cans scattered over the back seat. Upon being picked up, Billy was found in possession of a small amount of cocaine. Billy is an honor student at Colclough High and is involved in the Debate Team and the Teenage Republicans. Billy lives with his father, the town's mayor. His mother, divorced from his father, lives in another state.

Name: Susie Zardoz, age 15
Offense: Burglary and vandalism
Residence: 477 Montover Street, Apartment 12
Education: Susie dropped out after her sophomore year at Smith and Wesson High School
Previous record: One narcotics conviction (possession of marijuana); one breaking-and-entering conviction (local elementary school)
Comments: Susie is currently not enrolled in school. She lives alone with her mother, who works full-time as a waitress on the graveyard shift. Susie was involved in fights at schools, experienced numerous conflicts with her teachers, and consistently received low grades

Name: Peter Lodwick, age 14
Offense: Murder, robbery
Residence: None available
Education: Freshman in high school
Previous record: Four prior detainments for runaway and "minor out of control" charges
Comments: Peter shot and killed an elderly woman when she refused to hand over her purse during a hold-up. Peter was living on the street and had run away from home. He has no father, has eight brothers and sisters, and an alcoholic mother

Name: Joshua Moore, age 16
Offense: Narcotics possession and selling
Residence: 1492 SE Harmon Blvd.
Education: Currently enrolled in the 11th grade
Previous record: Four arrests as a juvenile: one narcotics possession conviction, one assault and battery charge

When Trials End Before the Bus Comes: "The How to...?" Game

Directions

1. Give the students a sheet with a list of the following questions or list the questions for students to copy.
2. Ask the students to select one question and divide the class into groups of two or three students for each question; ask if there are other questions that the students want answered.
3. Ask the students to identify resources within the court facility where they might find the answers to the questions.
4. After the students' questions have been answered (allow 15-20 minutes), they should meet as a group and share their answers.
5. If time doesn't permit adequate sharing of information at the court, this activity can be continued in the classroom.

How to's ---

a. *How* do I bring a suit in small claims court?
b. *How* can a judge be removed from office?
c. *How* can I become a probation officer?
d. *How* do I find a copy of a Supreme Court decision?
e. *How* much do defense attorneys make on an hourly basis?
f. *How* much money can I make and still have a court pay for my attorney?
g. *How* many facts must be proven to find me guilty of driving under the influence of alcohol? In possession of marijuana?
h. *How* high does the "breathalyzer" test have to read to prove that I am drunk?

(dropped), one burglary conviction, one public nudity charge (accused of "mooning" the student body during a high school graduation ceremony—charges dropped)
Comments: Alleged drug pusher; violent temper; "D" grade average; four expulsions from school. Joshua was found guilty of selling crack and heroin to fellow students

Name: Harold Baker, age 15
Offense: "Minor out of control"
Residence: 467 Main Street, No. 41
Education: Dropped out of high school during sophomore year
Previous record: two runaway charges; truancy; "Minor in Possession"; solicitation for male prostitution
Comments: Harold was referred to the juvenile justice system by his parents as an uncontrollable minor. Both parents have had prior child-abuse and neglect charges, but no convictions

Evaluation

Be sure to review the key points learned about the juvenile justice system and ask students for their evaluation of the visit. What was helpful and educational? What should be changed? How could the resource person's visit be improved?

Be sure to follow up with a letter to the resource person, thanking him/her for his/her time and effort.

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Suggestions for Designing and Participating in Awareness and Training Programs

If schools and courts decide to investigate the possibilities of offering an LRE workshop, conference, or seminar, there are several critical steps to follow in researching, planning, and implementing such a program. Review the following outline and implement activities appropriate to your area. The suggestions outlined below are adapted from *Courts and the Classrooms*, published by the District Court Department of the Trial Court of Massachusetts, and focus on educational training programs for teachers developed by court procedures.

1. Establish goals and objectives for the workshop. The following sample goals provide a starting point:
   a. expose teachers to the alternative curriculum process where the court becomes an integral part of a law-related curriculum;
   b. provide teachers with substantive knowledge through lectures and dialogues with experts;
   c. provide a forum for the exchange of ideas and experiences among teachers from the school systems within the court's jurisdiction, the court staff, and other professionals in the field of law and the court system;
   d. provide teachers with classroom methods for transmitting substantive knowledge to students, with particular attention to reading difficulties and unmotivated students.
2. Contact area school superintendents. Share with them the goals and objectives of your program and, together, determine if there is an interest and a need for such a program for teachers.
3. If the interest and need are present, determine the following:
   a. how many teachers from each system or school will attend?
   b. will in-service credit be given the teachers?
   c. what course materials are needed?
   d. how much will it cost?
   e. how will the costs be covered?

   Other questions may arise after the meetings with area school superintendents. Before the initial meeting with teachers, try to anticipate areas of concern and have answers to as many questions as possible.
4. Form a committee of three or four community and court people who will assist in the planning and implementation of the program. Clearly define their responsibilities and time commitments.

5. Ask the school systems to supply the names, addresses, and telephone numbers of teachers who have expressed an interest in attending the program.
6. Schedule an orientation meeting for those interested teachers. The following items should be included in the meeting agenda, a copy of which should be provided to each teacher:
   a. determine the best day of the week, time of day, length of each session, and location for the program. If the court has the space, it is recommended that the program be held at the court. The amount of time court personnel are able to devote to the program may vary considerably. However, try to devote enough time so that the experience with the court is not superficial. Also, try to be flexible. If, after the program is designed, the teachers want to shorten or lengthen it, the court coordinator should be able to do so;
   b. from a list of possible topics, have the teachers rank the topics in which they are most interested, and ask them to add other topics. Any program the court offers, minimal or extensive, should deal with topics that teachers are interested in exploring. It is always easier and educationally more sound to start with what people are interested in learning;
   c. when these mechanical details have been worked out with the teachers, let them know when the full schedule of topics and speakers will be mailed to them.
7. Select program speakers for each topic. Both court and school personnel can make recommendations. Most people are willing to volunteer their time to what they perceive as a most worthwhile endeavor. It is often true that the busiest people with the most demanding positions are the ones who will agree to participate in the program.
8. Determine who will coordinate the methods instruction for the program. Unlike the substantive part of each session, where there is a different speaker for each topic, the methods coordinator should handle each methods session in its entirety, thus providing instructional continuity. The court coordinator can ask a teacher or education specialist in the area to assume this responsibility. The methods aspect of the program can include such activities as the case study method, role playing method, simulation games, mock trials, and values analysis. The overall purpose of such activities is to have teachers experience the methods before using them in the classroom.
9. Prepare program speakers. Each speaker should first be contacted either by telephone or in writing and given an explanation of the goals and objectives of the program. Once the speaker has accepted the invitation, meeting should be arranged with the court coordinator. At this meeting, key points for the topic can be identified. It might be helpful to have each session follow a similar format:
   a. overview of the topic;
   b. historical background;
   c. common misconceptions regarding the topic;
   d. current controversial issues related to the topic, such as recent court decisions or other actions;
   e. future predictions—what things are likely to happen in the next ten years in this area?
   f. question-and-answer period.

Many of the steps listed above can be eliminated if the court has already established a relationship with LRE educators in the area.